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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,104	12/17/2004	Alessandro Vescovini	58009-018400	5582

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Greenberg Traurig
Suite 400E
2450 Colorado Avenue
Santa Monica, CA 90404

EXAMINER

CRANE, DANIEL C

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,104

Applicant(s)

VESCOVINI, ALESSANDRO

Examiner

Daniel C. Crane

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/07/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

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BASIS FOR REJECTIONS

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

REJECTION OF CLAIMS ON FORMAL MATTERS

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (1) With reference to claims 1 and 2, the process is unclear because the method is couched in a narrative format, which does not lend itself to a clear understanding of what constitutes the essential steps. Accordingly, positively setting out the method steps would overcome the indefiniteness. Use of the terms "or similar" and "etc." also renders the subject matter unclear because the scope of the subject matter is not clearly defined. Similarly, the phrase "in the case of rolls" is not clear as to whether this is a positive recitation of the feature in the method. Failure to provide antecedence for "through drilling" renders the subject matter

indefinite. (2) As to claims 6 and 19, the phrase “for example” is not a clear recitation of the subject matter. (3) As to claim 7, failure to provide antecedence for “previously washed metal material” renders the subject matter indefinite. (4) As to claim 8, failure to provide antecedence for “machining centre” renders the subject matter indefinite. (5) As to claim 11, failure to provide antecedence for “plant or machining centre” renders the subject matter indefinite. (6) As to claim 13, failure to provide antecedence for “shearing” renders the subject matter indefinite. (7) With reference to claims 16-19, it is unclear whether the reference to the plant incorporates all the steps of the “procedure”. Referencing the method claim in an apparatus claim must clearly specify the features of the method steps, otherwise, it is unclear whether the plant constitutes of means to affect each of the procedural steps.

REJECTION OF CLAIMS OVER PRIOR ART

Claims 2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Stifano (4,291,568). See Figures 1-6 where the metal is cold pressed in sequence after it has been sheared and straightened from a blank roll 12.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stifano (4,291,568). While Stifano does not indicate that the metal is “washed”, it is the examiner’s position that such is clearly a procedure that is practiced in the manufacture of the alloy steel. Furthermore, such would have been obvious to the skilled artisan since this step in the manufacture of metal wire is practiced during the normal course of metallurgically fabricating wire.

Claims 8-10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stifano (4,291,568) in view of Green (5,632,175). It is common in the metal working art to produce products from precut elongated material. This is conventionally shown by Green where the bar 22 is individually fed into the straightening mechanism from bundled stock. It would have been obvious to the skilled artisan at the time of the invention to have modified Stifano's method by using pre-cut material using the concepts taught by Green so as to eliminate the need to use rolls.

Claims 1-3 and 6 are further rejected under 35 U.S.C. 102(b) as being anticipated by Oakley (1,714,316). See Figures 13 and 14 where the blank 41, 44 is sequentially work upon by pressing followed by a drilling operation 56 (Figure 16).

Claims 7, 11 and 13-18 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Oakley (1,714,316). While Oakley does not indicate that the metal is "washed", it is the examiner's position that such is clearly a procedure that is practiced in the manufacture of the alloy steel. Furthermore, such would have been obvious to the skilled artisan since this step in the manufacture of metal wire is practiced during the normal course of metallurgically fabricating wire, thus, producing a high quality product. Whether the presses are mechanical or hydraulic, the skilled artisan would recognize the advantage to either. These are conventional drives in the press art. The skilled artisan having the benefit of Oakley's press would have recognized the option of either situating the press as a vertical assembly or a horizontal assembly. Further, it is also well known in the presses of present day manufacturing plants to

use microprocessor's as the press control mechanism, such simplifying the press and eliminating complex mechanical drives of year's past. Accordingly, such a provision within Oakley's press would have been obvious to the skilled artisan for the noted motivation. This also applies to the use of hydraulic drives, such being well known in the press art.

Claims 8-10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakley (1,714,316) in view of Green (5,632,175). It is common in the metal working art to produce products from pre-cut elongated material. This is clearly evident from Oakley that lengths of bar stock are being fed into the apparatus. This is conventionally shown by Green where the bar 22 is bundled and is individually fed into the straightening mechanism. It would have been obvious to the skilled artisan at the time of the invention to have modified Stifano's method by using pre-cut material using the concepts taught by Green so as to eliminate the need to use rolls and to feed pre-cut lengths from a supply to the apparatus.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oakley (1,714,316) in view of Ware (2,689,360). Gripper transports are commonly used in this art as evidenced by Ware in Figure 16 at 42. This facilitates movement of the forged product from one position to another within the nut-forging machine. Furthermore, Ware shows it to be conventional to produce the forged product by a gradual shaping where successive shaping is performed in a series of paired dies. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Oakley's shaping operation by performing the shaping as a gradual shaping in a series of opposed paired dies and transferring the work

between the paired dies using gripping implement of the type shown by Ware so as to successively form the work in a series of gradual shaping operation.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

PRIOR ART CITED BY EXAMINER

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

RESPONSE BY APPLICANT(S)

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516.

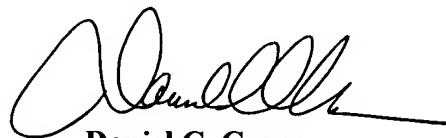
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The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4516**.

DCCrane
July 25, 2006

A handwritten signature in black ink, appearing to read 'D. Crane', with a long horizontal stroke extending to the right.

Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725